

bination can be formed only under great excitement. I might enumerate other difficulties, but these are enough to satisfy you that the violation of the law passes with impunity, by the want of accurate, precise, legal proof that it is violated.

You can see the force of this statement by casting your eye round the city. At present our respected fellow-citizens, investigating the breach of one law, and getting evidence of the commission of offences, under it, almost overwhelm the court with prosecutions; and yet it is reported and very generally believed, that although every body has suspicion of the matter, yet no evidence, and of course no indictment has been returned in relation to the greatest, and most extensive dealers in the whole trade!

You can see it too, in regard to other infractions of law. Who doubts that the sale of ardent spirits is made in violation of the recent statute? Who doubts that gambling-houses and brothels exist? Who that is acquainted with our community, if he had a motive for tracing out these haunts of vice, could doubt about finding them? And yet, where are prosecutions? Why are the laws silent, when outrageously offended? Because there is no *legal* evidence—no complainant, no witness, to give the necessary testimony under oath.

Your efforts, therefore, in my humble apprehension, should be directed to provide for the public officers the means of obtaining the requisite proof in the requisite way.

The law against lotteries is severe enough in its penalties. Greater could not be enforced. Even those, which now exist, were not carried to their extent in the Supreme Court on some recent occasions.

Look to these penalties. One hundred dollars fine may be imposed for each selling of a ticket. Now an importer of tickets, who sells fifty parcels of one hundred tickets, to the retailers, may, if you can prove the fact, be fined five thousand dollars; and each of these retail venders,—if again you prove the fact,—may be fined five thousand dollars for distributing them. No business can stand against this penalty. No men would carry it on, unless in the great lottery of the law, they expected to draw the prize of impunity. It is this impunity that encourages them. It is the chance that nobody will tell,—that the Grand Jury will never know,—which induces them to run the hazard. And they act on the true doctrine of chances. When there is no regular informer, when so many obstacles exist to getting and giving